



John J. Walsh II, Esq.  
Direct E-Mail: [jwalsh@hwb-lawfirm.com](mailto:jwalsh@hwb-lawfirm.com)

June 28, 2024

Conference adjourned to 7/31/24 at 12:15 pm  
(in person). Pre-motion letters, if any, due 7/22/24.  
Responses due 7/29/24.

Honorable Cathy Seibel  
United States District Judge  
Southern District of New York  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

SO ORDERED.

  
CATHY SEIBEL, U.S.D.J.

7/1/24

Re: Hicks, Darnell R. v. Encarnacion, Juan  
23 CIV 1839 (CS)

Your Honor:

Our Office represents the defendants in this Matter. We write to request a further extension of time within which to file a premotion letter, currently scheduled to be submitted on July 1<sup>st</sup>.

Last we spoke to Mr. Hicks we learned that the criminal charges stemming from the arrest at issue have still not been resolved. He advises that a motion to dismiss the criminal charges was submitted to the criminal court and he expects a decision sometime in late July or early August. The decision on such a motion would certainly be relevant on the claims in this matter.

Further, Plaintiff objects to providing HIPPA compliant authorizations for release of medical records from the hospital to which he was taken following the arrest at issue and for a Dr. Dynoff with whom he testified at his deposition he treated for headaches and pain in his shoulders and back resulting from the arrest. He has also treated with Dr. Dinoff for injuries sustained in accidents that led to legal claims of personal injury. He has agreed to turn over these authorizations only if we provide him with all records of misconduct concerning all officers shown on videos not only of the arrest at issue but also his most recent arrest on April 16, 2024. The issue has been raised with Magistrate Reznik in the companion action arising out of the same arrest, *Hicks v. Chavez*, et al. Docket No. 23-cv-08088-KMK-VR who has scheduled a conference for July 18, 2024.

**HODGES WALSH & BURKE, LLP**

It is respectfully submitted that as Mr. Hicks is apparently making claims of excessive force, his medical records are relevant to those claims.

Assuming that the decision on the criminal charge is rendered in the time frame set forth above, we should be in a position to submit a joint pretrial letter by mid-August.

Thank you for your consideration.

Respectfully,

*John J. Walsh*

John J. Walsh

Cc: Darnell R. Hicks  
901 Main Street, Apt. 6C  
Peekskill, NY 10566  
Via USPS and email: [stizzy730@gmail.com](mailto:stizzy730@gmail.com)